

By Senator Dockery

15-00184-11

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1 A bill to be entitled
2 An act relating to voting conflicts; providing a short
3 title; amending s. 112.3143, F.S.; providing an
4 exception to provisions relating to voting conflicts,
5 to conform to changes made by the act; creating s.
6 112.31435, F.S.; providing definitions; prohibiting a
7 member of the Legislature from voting upon or
8 participating in any legislation inuring to the
9 personal gain or loss of the member or his or her
10 relative; prohibiting a member of the Legislature from
11 participating in any legislation inuring to the
12 personal gain or loss of a business associate,
13 employer, board on which the member sits, principal by
14 whom the member is retained, or parent corporation or
15 subsidiary of such principal; requiring that a member
16 disclose all such interests to the applicable
17 legislative body or committee before such legislation
18 is considered; requiring that the member disclose the
19 specific nature of any such interests within a
20 specified period after the date on which a vote on the
21 legislation occurs; requiring that such disclosure be
22 made by written memorandum and filed with the
23 Secretary of the Senate or the Clerk of the House of
24 Representatives; requiring that the memorandum be
25 recorded in the journal of the house of which the
26 legislator is a member; providing an effective date.

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28 Be It Enacted by the Legislature of the State of Florida:
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30 Section 1. This act may be cited as the "Restoring Trust in
31 Government Act."

32 Section 2. Subsection (2) of section 112.3143, Florida
33 Statutes, is amended to read:

34 112.3143 Voting conflicts.—

35 (2) Except as provided in s. 112.31435, no state public
36 officer is prohibited from voting in an official capacity on any
37 matter. However, any state public officer voting in an official
38 capacity upon any measure that ~~which~~ would inure to the
39 officer's special private gain or loss; that ~~which~~ he or she
40 knows would inure to the special private gain or loss of any
41 principal by whom the officer is retained or to the parent
42 organization or subsidiary of a corporate principal by which the
43 officer is retained; or that ~~which~~ the officer knows would inure
44 to the special private gain or loss of a relative or business
45 associate of the public officer shall, within 15 days after the
46 vote occurs, disclose the nature of his or her interest as a
47 public record in a memorandum filed with the person responsible
48 for recording the minutes of the meeting, who shall incorporate
49 the memorandum in the minutes.

50 Section 3. Section 112.31435, Florida Statutes, is created
51 to read:

52 112.31435 Voting conflicts; state legislators.—

53 (1) As used in this section, the term:

54 (a) "Participate" means any attempt, other than casting a
55 vote, to influence the passage, defeat, or amendment of
56 legislation by oral or written communication made by a
57 legislator or at such legislator's direction.

58 (b) "Relative" means any father, mother, son, daughter,

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59 husband, wife, brother, sister, father-in-law, mother-in-law,
60 son-in-law, or daughter-in-law.

61 (2) A member of the Legislature may not vote upon or
62 participate in any legislation that would inure to his or her
63 special private gain or loss or that he or she knows would inure
64 to the special private gain or loss of his or her relative. The
65 member must, before any consideration of the legislation by the
66 legislative body of which he or she is a member or any committee
67 on which the member sits, publicly state to the body or
68 committee all of his or her interests in the legislation or all
69 of the relative's interests in the legislation which are known
70 to the member and, within 15 days after the date on which a vote
71 on the legislation occurs, disclose the specific nature of those
72 interests as a public record in a memorandum filed with the
73 Secretary of the Senate, if the member is a Senator, or filed
74 with the Clerk of the House of Representatives, if the member is
75 a Representative. The memorandum shall be spread upon the pages
76 of the journal of the house of which the legislator is a member.

77 (3) A member of the Legislature may not participate in any
78 legislation that he or she knows would inure to the special
79 private gain or loss of a principal by whom he or she is
80 retained, the parent organization or subsidiary of a corporate
81 principal by which he or she is retained, a business associate,
82 an employer, or a board upon which the member sits. The member
83 must, before any consideration of the legislation by the
84 legislative body of which he or she is a member or any committee
85 on which the member sits, publicly state to the body or
86 committee all of the interests in the legislation of such
87 principals, parent organizations or subsidiaries of a corporate

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88 principal, business associates, employers, or boards which are
89 known to the member and, within 15 days after the date on which
90 a vote on the legislation occurs, disclose the specific nature
91 of those interests as a public record in a memorandum filed with
92 the Secretary of the Senate, if the member is a Senator, or
93 filed with the Clerk of the House of Representatives, if the
94 member is a Representative. The memorandum shall be spread upon
95 the pages of the journal of the house of which the legislator is
96 a member.

97 Section 4. This act shall take effect July 1, 2011.